

**REMARKS**

Claims 1, 3-12, 14-17, and 19-27 are currently pending in the instant application. Claims 9, 11, and 15 are objected to due to informalities. Claims 1, 9-10, 12, 15-17, and 25-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Marvit et al. in view of Patterson and further in view of Covert. Claims 3-7, 11, 19-23, and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Marvit in view of Patterson in view of Covert, and further in view of Goldfine et al. Claims 8, 14, and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Marvit in view of Patterson in view of Covert, and in further view of Wilfong. Applicant traverses the rejections in their entirety for at least the reasons set forth below.

**Request for Continued Examination (RCE)**

Applicant respectfully objects to the finality of the instant office action in light of the Examiner's arguments which rely upon the newly cited Covert reference. However, in an attempt to expedite examination, Applicant is filing herewith a Request for Continued Examination under 37 CFR 1.114. Form PTO/SB/30EFS accompanies this response and the applicable fees set forth in 1.17(e) have been paid from deposit account number 50-0653.

**Claim Objections**

The Examiner objected to claims 9, 11, and 15 because claims 2, 13, and 18 have been cancelled requiring the dependency of claims 9, 11 and 15 to be changed. Applicant's amendments having rendered the Examiner's rejection moot, Applicant respectfully requests that the Examiner withdraw the objection.

**Claims 1, 9-10, 12, 15-17, and 25-27 are patentable under 35 U.S.C. 103(a)**

Claims 1, 9-10, 12, 15-17, and 25-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Marvit et al. in view of Patterson and further in view of Covert. Applicant respectfully traverses the rejection for at least the reasons set forth below.

Covert fails to teach or suggest the remote generation of a pseudo-random security string by a remote computer and the transmission of the pseudo-random security string to a first computer, as recited in Applicant's claims 1, 12, and 16-17. It is well established that, in order to show obviousness, all limitations must be taught or suggested by the prior art. In Re Boyka, 180 U.S.P.Q. 580, 490 F.2d 981 (CCPA 1974); MPEP § 2143.03. It is error to ignore specific

limitations distinguishing over the references. In Re Boe, 184 U.S.P.Q. 38, 505 F.2d 1297 (CCPA 1974); In Re Saether, 181 U.S.P.Q. 36, 492 F.2d 849 (CCPA 1974); In Re Glass, 176 U.S.P.Q. 489, 472 F.2d 1388 (CCPA 1973). Covert discloses a system and method for determining the identity of a user in which matching tokens are generated in each of a remote computing system and in a user's pocket-sized "credit-card" shaped device. (Column 4, lines 1-5; Column 5, lines 26-29) By contrast, Applicant's invention, as recited in claims 1, 12, and 16-17 provides, *inter alia*, a system and method wherein a pseudo-random code is generated remotely, i.e., in the second computer or in the third computer; and transmitted to the user via a first computer, telephone, or other device, operated by the user. Covert fails to teach or suggest the remote generation of a pseudo-random string by a remote computer and the transmission thereof, and Applicant therefore respectfully requests that the Examiner withdraw the rejections to claims 1, 12, and 16-17.

Covert further fails to teach or suggest the first, second and third linear arrays recited in Applicants claims 9, 15, and 25. It is well established that, in order to show obviousness, all limitations must be taught or suggested by the prior art. In Re Boyka, 180 U.S.P.Q. 580, 490 F.2d 981 (CCPA 1974); MPEP § 2143.03. It is error to ignore specific limitations distinguishing over the references. In Re Boe, 184 U.S.P.Q. 38, 505 F.2d 1297 (CCPA 1974); In Re Saether, 181 U.S.P.Q. 36, 492 F.2d 849 (CCPA 1974); In Re Glass, 176 U.S.P.Q. 489, 472 F.2d 1388 (CCPA 1973). Covert discloses a system and method for determining the identity of a user in which characters are displayed to the user on a device, in a two-dimensional array (i.e. rows and columns). (Column 3, lines 4-23) In the Covert system, the number of rows corresponds to the length of the password. (Column 3, lines 20-23) By contrast, Applicant's invention, as recited in claims 9, 15, and 25 provides, *inter alia*, a system and method wherein the pseudo-random security string comprises a first linear array of characters, each character having a given numerical position in the array; the mask code comprises a second linear array of numbers, each number having a given numerical position in the second array; and, the volatile identification code is generated by applying the mask code to the pseudo-random string so as sequentially to select numerical positions in the first array on the basis of the numbers in the second array, taken in positional order, and to return the characters thereby selected from the first array in sequence

so as to form a third linear array, this third linear array forming the volatile identification code. Applicant's linear arrays reduce the occurrence of user error when selecting characters to form the volatile information code. Further, the linear array reduces the probability of an observer determining the length of the mask code, whereas the two-dimensional array of Covert would divulge this information to even a casual observer. Covert clearly fails to teach or suggest the first, second and third linear arrays recited in Applicants claims 9, 15, and 25, and Applicant respectfully requests that the Examiner withdraw the rejections of claims 9, 15, and 25.

Claims 9-10, 15, and 25-26 depend from patentable independent base claims. The Court of Appeals for the Federal Circuit has consistently held that where a claim is dependent upon a patentable independent claim, the dependent claim is *a fortiori* patentable because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 1108 (Fed. Cir. 1987). Applicant asserts that claims 9-10, 15, and 25-26 are patentable for at least the reasons set forth above with respect to the patentable independent base claims from which they depend, and respectfully requests that the Examiner withdraw the rejection of these dependent claims.

**Claims 3-7, 11, 19-23, and 27 are patentable under 35 U.S.C. 103(a)**

Claims 3-7, 11, 19-23, and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Marvit in view of Patterson in view of Covert, and further in view of Goldfine et al. Claims 3-7, 11, 19-23, and 27 depend from patentable independent base claims and Applicant respectfully traverses the rejection. The Court of Appeals for the Federal Circuit has consistently held that where a claim is dependent upon a patentable independent claim, the dependent claim is *a fortiori* patentable because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 1108 (Fed. Cir. 1987). Applicant asserts that claims 3-7, 11, 19-23, and 27 are patentable for at least the reasons set forth above with respect to the claims from which they depend, and respectfully requests that the Examiner withdraw the rejection of these dependent claims.

**Claims 8, 14, and 24 are patentable under 35 U.S.C. 103(a)**

Claims 8, 14, and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Marvit in view of Patterson in view of Covert, and in further view of Wilfong. Claims 8, 14, and 24 depend from patentable independent base claims, and Applicant respectfully traverses the rejection. The Court of Appeals for the Federal Circuit has consistently held that where a claim is dependent upon a patentable independent claim, the dependent claim is *a fortiori* patentable because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 1108 (Fed. Cir. 1987). Applicant asserts that claims 8, 14, and 24 are patentable for at least the reasons set forth above with respect to the independent base claims from which they depend, and respectfully requests that the Examiner withdraw the rejection of these dependent claims.

## **CONCLUSION**

Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that Claims 1, 3-12, 14-17, and 19-27 are in condition for allowance and Notice to that effect is earnestly solicited. Additional distinctions may exist between the invention as recited in the pending claims and the references cited by the Examiner, and Applicant respectfully reserves the right to assert these arguments in response to a future Office Action. In the event that the Examiner is of the opinion that a brief telephone or personal interview would facilitate allowance of one or more of the above claims, he is courteously requested to contact Applicant's undersigned representative.

Submitted herewith is a Petition for an Extension of Time with authorization for the Commissioner to charge the extension fee to our Deposit Account No. **50-0653**. The Commissioner is further authorized to charge any deficiency or credit any overpayment to Deposit Account No. **50-0653**.

Respectfully submitted,

/ James E. Goepel /

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James E. Goepel, Reg. No. 50,851  
GREENBERG TRAURIG, LLP  
1750 Tysons Boulevard  
Suite 1200  
McLean, VA 22102  
(703) 903-7536 (Tel.)  
(703) 749-1301 (Fax)  
E-mail: [goepelj@gtlaw.com](mailto:goepelj@gtlaw.com)

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